

TEXT OF PROPOSED REGULATIONS

In the following, underline indicates additional text and ~~strikethrough~~ indicates deleted text.

Subchapter 2. Inmate Resources

Article 6. Legal Documents

3162. Legal Forms and Duplicating Services.

Subsection 3162(a) through 3162(d)(10) are unchanged but shown as reference.

(a) For purposes of this article, an indigent inmate means an inmate who currently has and for the previous 30 consecutive days has maintained \$1.00 or less in his or her inmate trust account.

(b) Legal duplication services may be provided to inmates for the purposes of initiating or maintaining a court action. The printed forms required by state and federal courts shall be made available to inmates. An inmate shall be required to pay for the duplication of printed forms and other written or typed materials, and for any special paper and envelopes required for mailing to the courts so long as the inmate has more than \$1.00 in his or her trust account or the inmate has attorney representation for the court action. An inmate who is indigent and is without attorney representation for the court action may receive legal duplicating services without charge subject to subsection (d).

(c) A legal document to be duplicated for any inmate, including all exhibits and attachments, shall be limited to the maximum number of pages needed for the filing, not to exceed 50 pages in total length, except when necessary to advance litigation. The inmate shall provide to designated staff a written explanation of the need for excess document length.

(d) Subject to the length requirements of subsection 3123(c), an indigent inmate who does not have attorney representation may receive duplication services without charge for the following legal documents to a court:

- (1) Petition for a writ of habeas corpus.
- (2) Traverse, Reply Pleading, and other documents in support of a petition for writ of habeas corpus, as authorized by the court or as required by statute or court rule.
- (3) Appeal from the denial of a writ of habeas corpus.
- (4) Summons and Complaint for a civil action.
- (5) Documents in support of a civil action, as authorized by the court or as required by statute or court rule.
- (6) Petition for a hearing in an appellate court.
- (7) Appellant's Brief, Reply Brief, and other documents in support of an appeal, as authorized by the court or as required by statute or court rule.
- (8) Petition for a writ of certiorari to the Supreme Court.
- (9) Motion to proceed in forma pauperis (as an indigent person).

(10) Additional documents that are necessary to advance litigation. The inmate shall provide to designated staff a written explanation of the need for additional documents.

Subsection 3162(e) is amended to read:

(e) The authority to place restrictions on duplication services for any reason as described in this section shall not be delegated to staff below the level of correctional captain unless the person is designated by the Warden. The reasons for any restrictions on the services provided an inmate shall be documented on a CDC Form 128-B (Rev. 4.74), General Chrono, and placed in the inmate's central file.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.